



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Respiratory Care

TITLE-SERIES: 30-09

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Student Temporary Permit

CITE STATUTORY AUTHORITY: 30-34-6 & 30-34-9

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4252

Section 64-9-28-b Passed On 3/6/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 11, 2020

This rule shall terminate and have no further force or effect from the following date:

August 11, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Nancy J Massey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 30
LEGISLATIVE RULE
WV BOARD OF RESPIRATORY CARE**

**SERIES 9
STUDENT TEMPORARY PERMIT**

§30-9-1. General.

1.1. Scope. -- This legislative rule establishes the temporary permit process, fees and practice limitations for students enrolled in accredited respiratory care schools.

1.2. Authority. -- W. Va. Code §§ 30-34-6 and 30-34-9.

1.3. Filing Date. -- May 11, 2020.

1.4. Effective Date. -- August 11, 2020.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect after August 11, 2030.

§30-9-2. Application for Student Temporary Permit.

2.1. An applicant for student temporary permit shall file with the West Virginia Board of Respiratory Care a signed permit application form and shall pay an initial six (6) month permit application fee of seventy-five dollars (\$75.00).

2.2. The applicant shall submit:

2.2.1. A student work permit form signed by the program director of an accredited respiratory care program and by a principal administrative official of the institution where the program is located.

2.2.2. An official transcript indicating successful completion of a minimum of thirty semester hours or the quarter hour equivalent, eighteen of which must be specific to respiratory care core curriculum, and at least two hundred clinical hours.

2.2.3. Documentation from the program director indicating clinical competencies completed indicating successful completion of tasks by didactic testing and clinical observation by school faculty.

2.3. Upon expiration of initial six (6) month permit the student may apply for an additional six month permit by payment of an additional fee of twenty-five dollars (\$25.00) and providing the WV Board of Respiratory Care with documentation from the program director of the school where the student is enrolled stating the student is actively enrolled and taking a minimum of 9 satisfactory semester hours in respiratory care curriculum. Graduate respiratory care therapists may continue to work under their student temporary permit until the permit expires.

§30-9-3. Practice Limitations for the Student Temporary Permit holder.

3.1. The following procedures, approved by the Board, may be assigned to a student temporary permit holder if the permit holder has demonstrated the completion and competence of such tasks in the documentation from the school facility:

3.1.1. Set up and maintenance of low flow oxygen devices of 6 LPM or less to include nasal cannula or a simple mask.

3.1.2. Set up and maintenance of aerosol devices with oxygen percentage equal to or less than 50%.

3.1.3. Delivery of medications through a spontaneous small volume nebulizer.

3.1.4. Medication delivery via Metered Dose Inhaler or Dry Powder Inhaler.

3.1.5. Measurement of peak flow.

3.1.6. Measurement of simple spirometry.

3.1.7. Measurement of pulse oximetry.

3.1.8. Use of the following airway clearance devices or techniques: therapy vest, chest physiotherapy, incentive spirometry, suctioning via artificial airway, and positive expiratory pressure therapies.

3.1.9. Cardiopulmonary Resuscitation after Basic Life Support Certification.³⁰

3.2. A holder of the student temporary permit must work under the supervision of a licensed respiratory therapist. The licensed respiratory therapist must be present in the facility where the holder of the student temporary permit is working. Direct observational supervision is not required but the licensed respiratory therapist must be available in the event of an emergent need and act as source of reference for the holder of the student temporary permit.

3.3. A holder of the student temporary permit is not allowed to perform procedures on patients requiring mechanical ventilation, or on patients in any critical care situation or environments, such as: emergency rooms, intensive care units, and post anesthesia care units.

3.4. Mass casualty situations are permitted if the student temporary permit holder has received the proper training and supervised directly by a licensed respiratory therapist.

3.5. A holder of the student temporary permit is strictly prohibited from performing positive pressure procedures such as: Intermittent Positive Pressure Breathing, Bi-Level, Continuous Positive Airway Pressure devices.

3.6. A holder of the student temporary permit is strictly prohibited from performing any procedure which is not written within this rule.